

**Town of Lincoln**

**Zoning Board of Review**

**100 Old River Road, Lincoln, RI**

**Minutes of April 7, 2015 Meeting**

**Present: David DeAngelis-Chair, Lori Lyle, John Bart, John Barr, Mark Enander, Stephen Kearns, Robert Oster, Town Solicitor**

### **Minutes**

**Motion made by Member Oster to accept the March 2015 Minutes with corrections. Motion seconded by Member Enander. Motion carried by all present.**

### **Correspondence:**

**None**

### **Applications:**

**Carl Benevides, 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI – Application for Special Use Permit to allow a mixture of uses including live/work units for a mill conversion project for property located at 85 Industrial Circle, 15 Moshassuck Road, Lincoln, RI.**

**AP 2, Lots 88 and 92 Zoned: MG 0.5**

**Letter received from Chris Fagan dated March 25, 2015 requesting the application be continued to the May agenda. Motion made by**

**Member DeAngelis to continue the application to the May agenda.  
Motion seconded by Member Bart. Motion carried by all present.**

**Satti Construction, Inc., 681 Paine Road, North Attleboro, MA/Mark Enander, 32 Whipple Road, Lincoln, RI- Application for Dimensional Variance seeking side setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI.**

**AP 44, Plat 181 Zoned: RS 20**

**Represented by: David Satti, Satti Construction**

**Member Enander recused himself from this application.**

**Chairman read into the record standards that need to be met for a Dimensional Variance.**

**When engineer staked out the property he did not push five feet into the building envelope to accommodate the proposed wrap around deck which is a little over seven feet resulting in the deck be out of the building foot print. If applicant is not granted the Dimensional Variance they will need to remove the deck. Applicant needs rear and side relief.**

**Russell Hervieux, Zoning Official informed the Board Sable Way was not an accepted road when construction began. The subdivision went through and this is now a corner lot.**

**Chairman read into the record Planning Board/Technical Review Committee recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a side yard setback relief for a new home and deck located at 32 Whipple Road, Lincoln, RI. The Planning Board recommends Approval of this application according to the submitted plans and application. According to the submitted application, an engineer made a mistake while staking out the house foundation and did not include the placement of the proposed deck within the building envelope. The site plan shows that the building envelope can accommodate the house and deck if staked out correctly. The Planning Board feels that the application presents the least relief needed. The Planning Board feels that granting the side yard dimensional variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**In Favor:**

**Nathan Green, 28 Whipple Road, Lincoln, RI**

**He asked if problem with the proposed deck was the only issue before this Board and Chair replied in the affirmative. He stated he was confused about the purchase of the property and Sable Way.**

**Russell Hervieu replied that when permits pulled Sable Way it had not yet accepted it as a town road.**

**No opposition present.**

**Motion made by Chairman to approve the application seeking relief of 12.61 feet east side rear corner of the house, 19.56 feet side rear corner from the deck on the east side. He further stated:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. Engineer erred in staking the property.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary. Incorrect plans were approved by the Town.**
- The hardship amounts to more than a mere inconvenience. Applicant would need to remove the deck if application were not approved.**

**Motion seconded by Member Bart. Motion carried by all present.**

**Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Use Variance for modification of an existing use variance for gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI.**

**AP 43, Lot 78 Zoned: RS-20.**

**Represented by: Timothy Chapman, Esquire**

**Russell Hervieux, Zoning Official informed the Board that applicant wished to eliminate parking reduction request from their Dimensional Variance.**

**Chairman read into the record standards that need to be met for each individual application.**

**Property is 27,383 square feet and is a corner lot. Applicant wishes to do a complete redevelopment of the property at a cost of \$1.4 million. Applicant will also improve the buffer behind the property. Gasoline pumps and canopy cannot be relocated. Property will be tied into the sewer system and property will be completely landscaped. They have over one hundred sites through Rhode Island and Massachusetts. Colbea Enterprises is a family owned and run business.**

## **Witness**

**Mr. Fruchtl, Engineer with Ayoub Engineering, Inc.**

**The existing canopy is 3'x40' and building is 1,500 square feet. Existing building sits square to the street and proposed new layout will improve circulation at the site. Current inground tanks will be replaced to meet State requirements. Front of the building will not be industrial looking and will fit into the neighborhood. An infiltration basis will be on the south side of the building and lot will have LED lighting. Existing signage is permitted at 238 square feet but proposed sign will be 244 square feet. Applicant will replace existing ID signs with a monument sign and needs 160.4 feet of signage relief.**

## **Witness**

**Edward Pimentel, AICP**

**One-quarter of the store will be food operation and other three-quarters will be convenience store. There will be no restaurant seating on site. Basement will be utilized for storage. Coffee will be available but no drive-thru service. Interior will have twenty door coolers for cold items. SEASONS is their brand name and will be reflected with signage. There will be no advertising on the highway. Signage is less than what is presently there. Hours of operation are Sunday to Thursday from 5:00am to 10:00pm and Friday and Saturday from 5:00am to 11:00 pm. The Town Engineer did not require a traffic study be done. Applicant is seeking 17.3 feet relief on the east and south property boundaries. There will be one loading**

**spot and applicant is deleting the need for parking relief on the Dimensional Variance.**

**Compressors will be replaced and fenced in and buffer planted at rear of building. No liquor will be sold on site and rest rooms will be located inside the building. Two register points will also be inside the building. Applicant has already reached out to the neighbors and will address any concerns. Buffer will consist of mature trees and existing fence will stay in place. Site will have sixteen surveillance cameras in place. Site will be closed during renovations.**

**Chairman read into the record Planning Board/Technical Review Committee recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a use variance for modification of an existing use variance for gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Planning Board recommends Approval of this application according to the submitted plans and application. This project represents the complete redevelopment of an existing gas station. The applicant proposes to relocate a new and enlarged fuel dispensing and food convenience building, reconfigure the parking areas to improve overall site circulation, install new gas storage tanks, resolve existing flooding issues, and remove the existing septic system and connect to the local sewer system. The proposed site layout is a significant improvement to the current layout and**

**circulation is expected to improve. The Planning Board feels that the application presents the least relief needed. The Board feels that granting the use variance will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Dimensional Variance for setback relief, reduction of required parking spaces and elimination of loading dock at remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI.**

**AP 43, Lot 78 Zoned: RS-20.**

**Chairman read into the record Planning Board/Technical Review committee recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Dimensional Variance for setback relief, and elimination of loading dock at remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Planning Board recommends Approval of this application according to the submitted plans and application. The proposed site layout is a significant improvement to the current layout and circulation is expected to improve. The Planning Board feels that the application presents the least relief needed. The Board feels that granting the dimensional variance will not impair the intent or purpose of the Zoning**



**Ordinance, nor the Comprehensive Plan.**

**Colbea Enterprises, LLC, 2050 Plainfield Pike, Cranston, RI/Ayoub Engineering Inc., 414 Benefit Street, Providence, RI – Application for Special Use Permit for additional signage for remodeled gasoline filling station with convenience for property located at 1783 Louisquisset Pike, Lincoln, RI.**

**AP 43, Lot 78 Zoned: RS-20.**

**Chairman read into the record Planning Board/Technical Review Committee recommendations:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application seeking a Special Use Permit for additional signage for remodeled gasoline filling station with convenience store for property located at 1783 Louisquisset Pike, Lincoln, RI. The Planning Board recommends Approval of this application according to the submitted plans and application. The proposed application is for a modest increase in additional signage. The Planning Board feels that the application presents the least relief needed. The Board feels that granting the special use permit will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**Public Comment:**

**Peter and Michelle Belanger, rear abutters**

**They like the plan but are concerned about time dumpsters will be**

**emptied. Applicant replied products being delivered will be coming in through the front door of the property. He also indicated the dumpster can be relocated and assigned a pick up time that works for the neighbors. He also stated the existing fence will be replaced and signs on the telephone poles will also be removed.**

**Gail Wilbour**

**Inquired what will prevent a restaurant from coming in the future and serving food inside the building. Russell Hervieux, Zoning Official informed her this is a residential zone and use and can never be turned into a restaurant unless they come before this Board at which time she would be notified. Mr. Hervieux also stated construction can only be conducted between 7:00am to 10:00pm.**

**Motion made by Chairman to approve the Dimensional Variance, Special Use Permit and Use Variance stating:**

**Dimensional Variance seeking 17.3 feet on the east side and 17.3 feet on the south side,**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. This is a corner lot which reduces the building envelope.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of**

**the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan. A gasoline station currently exists at this site**

- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience. Property is currently not user friendly and the service are is not conducive to traffic.**

**Use Variance:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance. All previous uses at the site have been accepted by the town.**

**Special Use Permit with signage not to exceed 180.4 feet:**

- That the Special Use is specifically authorized under this Ordinance. This is a permitted use.**
- That the Special Use meets all the criteria set forth in this Ordinance**

**authorizing such special use. Meets all criteria and there are sufficient parking spaces at the site.**

- That the granting of the Special Use will not alter the general character of the surrounding area. Existing gasoline station at the site.**

- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

**Motions seconded by Member Bart. Motion carried with a 5-0 vote.**

**Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Oster. Motion carried by all present.**

**Respectfully submitted,  
Ghislaine D. Therien  
Recording Secretary**